THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15346 of 2006

Dated:25.07.2006

Between:

P.Naga Malleswara Rao S/o Prasada Rao

..... PETITIONER

AND

The Vijayawada Municipal Corporation, Vijayawada,
Krishna District, rep., by its Commissioner.

.....RESPONDENT

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15346 OF 2006

ORDER:

Heard both the counsel.

2. The writ petition is filed for a Writ of Mandamus declaring the action of the respondent in seeking to demolish the shed situated No.11-40-1, Bavanarayana Street, Vijayawada, as illegal and contrary to the provisions of the Municipal Corporation Act, and consequently restrain the respondent from demolishing the shed situated at No.11-40-1, Bavanarayana Street, Vjyawada, and pass such other suitable orders.

3. It is stated that the petitioner is in possession and enjoyment of premises in question for the last several years. The premises in question is only 30 square yards, which is less than 100 meters, and therefore, no prior building permission is required under the Act. It is also stated that the respondent informed that it would remove the structures. Hence, the present writ petition is filed.

4. It is stated that before initiating the proposed action, no notice had been given to the petitioner. It is needless to say that the respondent is bound to follow due process of law before taking up the demolition activity.

5. In view of the same, the writ petition is disposed of with a direction to the respondents not to proceed with any demolition activity, in relation to subject matter of the writ petition, unless and until following due process of law. No order as to costs.

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25.07.2006

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